

Entered - 09/25/03 - sb  
CL03L0776 - DIANNE C. MITCHELL

03- *R* -1632

CLAIM OF: **RODNEY PARKS,**  
through his attorney,  
**M. Allen McDuffie**  
**380 Interstate North Parkway**  
**Suite 101**  
**Atlanta, Georgia 30339**

For damages alleged to have been sustained as a result of vehicular  
accident on November 1, 2002 at 1500 Metropolitan Parkway.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_

**JERRY L. BELOACH**  
**DEPUTY CITY ATTORNEY**

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 10/14/03

CHAIR: \_\_\_\_\_

\_\_\_\_\_  
*John H. Hill*

\_\_\_\_\_  
*Mary Ann Wood*

\_\_\_\_\_  
*C. T. Mark*

\_\_\_\_\_  
*John H. Hill*

\_\_\_\_\_  
*John H. Hill*

\_\_\_\_\_  
*John H. Hill*



## OFFICE OF MUNICIPAL CLERK

**RHONDA DAUPHIN JOHNSON, CMC**  
**MUNICIPAL CLERK**

October 29, 2003

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

M. Allen McDuffie  
Attorney at Law  
380 Interstate North Parkway  
Suite 101  
Atlanta, GA 30339

**03-R-1632**

**RE: Rodney Parks**

Dear Attorney McDuffie:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on October 20, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0776

Date: October 1, 2003

Claimant /Victim PROGRESSIVE BAYSIDE INSURANCE as subrogee of Rodney Parks

BY: (Atty) M. Allen McDuffie

Address: 380 Interstate North Parkway, Suite 101, Atlanta, Georgia 30339

Subrogation: X Claim for Property damage \$ 5,315.50 Bodily Injury \$           

Date of Notice: 09/24/03 Method: Written, proper X Improper           

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)           

Date of Occurrence 11/01/02 Place: 1500 Metropolitan Parkway

Department Police Division:           

Employee involved Timothy Rowe Disciplinary Action:           

NATURE OF CLAIM: The claimant's insured alleges his vehicle was damage in a vehicular accident with a police officer. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

### INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral           

Pictures            Diagrams            Reports: Police X Dept Report            Other           

Traffic citations issued: City Driver            Claimant Driver           

Citation disposition: City Driver            Claimant Driver           

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial           

Improper Notice            More than Six Months X Other            Damages reasonable           

City not involved            Offer rejected            Compromise settlement           

Repair/replacement by Ins. Co.            Repair/replacement by City Forces           

Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$            Adverse X Account charged: 1A01            2J01            2H01            2P01           

Claims Manager:            Concur/date           

Committee Action:            Council Action

RCS# 5099  
10/20/03  
4:32 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I EXCEPT:03-O-1695, 03-O-1444  
03-O-1689, 03-O-1493, 03-O-1494

~~RECONSIDER~~

**ADOPT**

YEAS: 10  
NAYS: 1  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
N Young	Y Shook	Y Maddox	B Willis
NV Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 5098  
10/20/03  
4:30 PM

Atlanta City Council

Regular Session

CONSENT I                      CONSENT I & II PGS 1-22 EXCEPT:03-O-1695  
   03-O-1444, 03-O-1689, 03-O-1493  
   RECONSIDER

YEAS: 10  
NAYS: 1  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 1

*See RCS#  
5067*

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
N Young	Y Shook	Y Maddox	B Willis
NV Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 5067  
10/20/03  
2:15 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-17, EXCEPT:03-O-1695,  
03-O-1444, 03-O-1689, 03-O-1493  
ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 1

Reconsidered 104  
See RCS# 12  
5098

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	B Willis
Y Winslow	NV Muller	NV Boazman	NV Woolard

CONSENT I

		10-20-03 Council Meeting
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
1. 03-O-1509 2. 03-O-1510 3. 03-O-1706 4. 03-O-1354 5. 03-O-1500 6. 03-O-1501 7. 03-O-1130 8. 03-O-1434 9. 03-O-1512 10. 03-O-1586 11. 03-O-0662 12. 03-R-1669 13. 03-R-1508 14. 03-R-1661 15. 03-R-1662 16. 03-R-1663 17. 03-R-1664 18. 03-R-1691 19. 03-R-1704 20. 03-R-1670 21. 03-R-1671 22. 03-R-1672 23. 03-R-1673 24. 03-R-1674 25. 03-R-1675 26. 03-R-1654 27. 03-R-1655 28. 03-R-1711 29. 03-R-1724 30. 03-R-1725 31. 03-R-1726 32. 03-R-1727 33. 03-R-1656 34. 03-R-1657 35. 03-R-1728 36. 03-R-1594 37. 03-R-1595 38. 03-R-1596 39. 03-R-1597 40. 03-R-1598	41. 03-R-1599 42. 03-R-1600 43. 03-R-1601 44. 03-R-1602----- <b>Items Adversed on Consent</b> 45. 03-R-1603 46. 03-R-1604 47. 03-R-1605 48. 03-R-1606 49. 03-R-1607 50. 03-R-1608 51. 03-R-1609 52. 03-R-1610 53. 03-R-1611 54. 03-R-1612 55. 03-R-1613 56. 03-R-1614 57. 03-R-1615 58. 03-R-1616 59. 03-R-1617 60. 03-R-1618 61. 03-R-1619 62. 03-R-1620 63. 03-R-1621 64. 03-R-1622 65. 03-R-1623 66. 03-R-1624 67. 03-R-1625 68. 03-R-1626 69. 03-R-1627 70. 03-R-1628 71. 03-R-1629 72. 03-R-1630 73. 03-R-1631 74. 03-R-1632 75. 03-R-1633 76. 03-R-1634 77. 03-R-1635 78. 03-R-1636 79. 03-R-1637	80. 03-R-1638 81. 03-R-1639 82. 03-R-1640 83. 03-R-1641 84. 03-R-1642 85. 03-R-1643 86. 03-R-1644 87. 03-R-1645 88. 03-R-1646 89. 03-R-1647 90. 03-R-1648 91. 03-R-1649